

Entered - 10-9-00 - sb  
CL 01L0617 ALEXIS HOLMES

01-*R*-1373

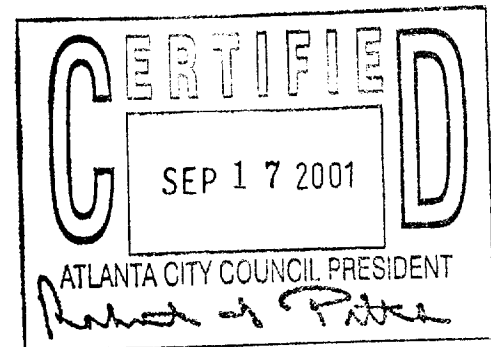
CLAIM OF: **ARTHUR L. RICHMOND**  
62 Hartwell Road, NE  
Apartment B-2  
Atlanta, Georgia 30311

For damages alleged to have been sustained as a result of a rock  
thrown by a weed eater on September 28, 2000 at 800 Boulevard.

THIS ADVERSE REPORT IS APPROVED

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

ADVERSE REPORT SEP 17 2001



## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: *Public Safety*

CHAIR: *9/12/01*

*Sherry Sykes*  
*[Signature]*  
*[Signature]*  
*[Signature]*  
*[Signature]*

**CERTIFIED**  
SEP 17 2001  
*C. T. Martin*  
DEPUTY MUNICIPAL CLERK

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0617

Date: 8/8/01

Claimant /Victim ARTHUR L. RICHMOND

BY: (Atty) \_\_\_\_\_

Address: 62 Hartwell Road, NE B-2 Atlanta, Georgia 30311

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 245.00 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 9/29/00 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 9/28/00 Place: 800 Boulevard

Department PRCA Division: Parks

Employee involved Lewis Thrasher Disciplinary Action: None Taken

**NATURE OF CLAIM:** The claimant sustained vehicular damage when a maintenance crew was weed eating, and a rock was thrown by the weed eater, and damaged the claimant's front windshield. However, the City has immunity from incidents occurring while performing Governmental duties pursuant to O.C.G.A. § 36-33-1.

### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Other \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police X Dept Report X Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - ALEXIS HOLMES

### RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 08-08-01

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_



**CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103**

September 19, 2001

Arthur L. Richmond  
62 Hartwell Road, NE Apartment B-2  
Atlanta, Georgia 30311

**01-R-1373**

Dear Mr. Richmond:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on September 17, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

RCS# 3123  
9/17/01  
6:39 PM

Atlanta City Council

Regular Session

MULTIPLE  
01-R-1373

Unfavorable Claims; Items 20-59

ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 1  
ABSENT 0

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	NV Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	E Maddox	NV Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

MULTIPLE